

STATE OF WISCONSIN

Senate Journal

Ninety-First Regular Session

10:00 A.M.

Thursday, February 17, 1994

The Senate met.

The Senate was called to order by Brian D. Rude, President of the Senate.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 734

Relating to expanding eligibility for tuition grants awarded by the higher educational aids board.

By Senators Lorman, Wineke and Petak; cosponsored by Representatives Silbaugh, Lorge, Green and Ward.

To committee on Education.

Senate Bill 735

Relating to discrimination in employment based on disability, retaliatory discrimination in employment and the awarding of attorney fees in employment discrimination proceedings.

By Senators Clausung, George, Chvala, Wineke and Risser; cosponsored by Representatives Vander Loop, Gruszynski, R. Young, Black, Robson, Notestein, Baldus, Wirch, Baldwin, Bock and Roberts, by request of Center for Independent Living, Menomonie, Alliance to Independence, Alliance for the Mentally Ill of Wisconsin, The Arc of Columbia County, The Arc of Outagamie County, The Arc-Dane County, The Arc-Wisconsin, Autism Society of Wisconsin, Creative Community Living Services, Inc., Curative Rehabilitation Center, Easter Seal Society of Wisconsin, Inc., Learning Disabilities Association of Wisconsin, Parent Education Project of Wisconsin, Inc., Prader-Willi Syndrome Association of Wisconsin, Inc., Governor's Committee for People with Disabilities, Rehabilitation for Wisconsin, Inc., The Southeastern Wisconsin Center for Independent Living, Inc., United Cerebral Palsy of Southeast Wisconsin, United Cerebral Palsy of Wisconsin, Inc., Wisconsin Brain Trauma Association, Inc., Wisconsin Coalition for Advocacy, Inc., Wisconsin Council on Developmental Disabilities, Wisconsin Council on Physical Disabilities, Wisconsin Personal Services Alternatives and Wisconsin Rehabilitation Association.

To committee on Human Resources, Labor, Tourism, Veterans and Military Affairs.

Senate Bill 736

Relating to the amount of an individual's designation to the Wisconsin campaign fund and the way in which the designation appears on a tax form.

By Senators Clausung, Burke, Adelman, Wineke and Risser; cosponsored by Representatives Baldwin, Notestein, Baldus, Roberts, Holperin, Springer, Bell, R. Young, Bock, Stower, Kaufert, Boyle and Carpenter.

To committee on State Government Operations and Corrections.

COMMITTEE REPORTS

The committee on Senate Organization reports and recommends:

Senate Joint Resolution 47

Relating to proclaiming May 3, 1994, Trzeciego Maja Day.

Adoption:

Ayes, 5 -- Senators Ellis, Rude, Farrow, Jauch and Risser;

Noes, 0 -- None.

Michael G. Ellis
Chair

The committee on State Government Operations and Corrections reports and recommends:

Senate Bill 737

Relating to adjustment of the date of the spring primary and election and presidential preference primary and certain other dates for election procedures.

Introduction:

Ayes, 5 -- Senators Drzewiecki, Lasee, Schultz, Moen and Helbach;

Noes, 0 -- None.

Read first time and referred to committee on State Government Operations and Corrections.

Gary Drzewiecki
Chair

The committee on Environment and Energy reports and recommends:

Senate Bill 715

Relating to the motor vehicle emission inspection and maintenance program, enumerating a project in the authorized state building program, granting rule-making authority and providing a penalty.

Introduction and adoption of Senate amendment 1:

Ayes, 3 -- Senators Cowles, Farrow and Panzer;

Noes, 2 -- Senators Burke and Clausung.

Passage as amended:

Ayes, 5 -- Senators Cowles, Farrow, Panzer, Burke and Clausing;

Noes, 0 -- None.

Senate Bill 721

Relating to creating a Kickapoo valley reserve and a Kickapoo valley governing board, providing an exemption from rule-making procedures, making appropriations, granting rule-making authority and providing a penalty.

Passage:

Ayes, 5 -- Senators Cowles, Farrow, Panzer, Burke and Clausing;

Noes, 0 -- None.

Robert Cowles
Chair

The joint committee on Finance reports and recommends:

Senate Bill 291

Relating to increasing the number of circuit court branches.

Introduction and adoption of Senate substitute amendment 1:

Ayes, 14 -- Senators Leean, Weeden, Farrow, Schultz, Cowles, Panzer and Chvala; Representatives Linton, Holperin, Hubler, Cogg, Krug, Huber and Foti;

Noes, 2 -- Senator George; Representative Brancel.

Passage as amended:

Ayes, 11 -- Senators Leean, Weeden, Farrow, Schultz, Panzer and Chvala; Representatives Linton, Holperin, Cogg, Huber and Foti;

Noes, 5 -- Senators Cowles and George; Representatives Hubler, Krug and Brancel.

Assembly Bill 608

Relating to the duties of the state capitol and executive residence board, creating a state capitol restoration fund and making an appropriation.

Adoption of Senate amendment 1:

Ayes, 16 -- Senators Leean, Weeden, Farrow, Schultz, Cowles, Panzer, George and Chvala; Representatives Linton, Holperin, Hubler, Cogg, Krug, Huber, Brancel and Foti;

Noes, 0 -- None.

Introduction and adoption of Senate amendment 2:

Ayes, 16 -- Senators Leean, Weeden, Farrow, Schultz, Cowles, Panzer, George and Chvala; Representatives Linton, Holperin, Hubler, Cogg, Krug, Huber, Brancel and Foti;

Noes, 0 -- None.

Concurrence as amended:

Ayes, 16 -- Senators Leean, Weeden, Farrow, Schultz, Cowles, Panzer, George and Chvala; Representatives Linton, Holperin, Hubler, Cogg, Krug, Huber, Brancel and Foti;

Noes, 0 -- None.

Joseph Leean
Co-chair

Barbara J. Linton
Co-chair

The committee on Health, Human Services and Aging reports and recommends:

Senate Bill 645

Relating to the investigation of child abuse or neglect.

Passage:

Ayes, 7 -- Senators Buettner, Lorman, Rude, Rosenzweig, Moen, Breske and Moore;

Noes, 0 -- None.

Senate Bill 649

Relating to: eligibility for coverage under the health insurance risk-sharing plan; assignment and subrogation of certain rights and clarifying that payment for services under disability insurance and uninsured health plans is primary to payment for services under the maternal and child health program; an early release and intensive supervision program for children who have been placed in a secured correctional facility; and the administration of the state supplemental food program for women, infants and children (suggested as remedial legislation by the department of health and social services).

Introduction and adoption of Senate amendment 1:

Ayes, 7 -- Senators Buettner, Lorman, Rude, Rosenzweig, Moen, Breske and Moore;

Noes, 0 -- None.

Passage as amended:

Ayes, 7 -- Senators Buettner, Lorman, Rude, Rosenzweig, Moen, Breske and Moore;

Noes, 0 -- None.

Senate Bill 716

Relating to: court orders that may be entered on the basis of a statement acknowledging paternity; requirements for parents, insurers and employers with respect to health care coverage for a child in actions affecting the family; a system for reporting child support liability and employment changes; allowing a court to require a payer of child support or maintenance to authorize periodic transfers from a deposit account; various changes in actions to determine paternity; information that a court may consider when determining child support payments; orders from other states that constitute assignments for withholding regarding maintenance and child support; requiring the court to use the child support standard used in divorce actions when setting child support to be paid for children in foster care and other substitute care situations; allowing females to be arrested in all civil actions in which males can be arrested; establishing a child support arrearage by affidavit; authorizing the clerk of court to escrow overpayments of support or maintenance for disbursement in the month when due; adjusting a withholding assignment for child support or maintenance so that withholding frequency corresponds

to payroll period; expanding the authority of a family court commissioner in child support actions; guardians ad litem in actions to determine paternity; expressing child support in child support orders; tax intercept certifications; authorizing costs against a county if the child support payment record kept by the clerk of court is substantially incorrect; requesting waivers under the aid to families with dependent children and job opportunities and basic skills programs; limiting aid to families with dependent children for certain additional children; orientation and job search requirements and sanctions under the job opportunities and basic skills program; granting rule-making authority; granting exemptions from rule-making procedures; making appropriations; and providing a penalty.

Introduction and adoption of Senate amendment 2:

Ayes, 7 -- Senators Buettner, Lorman, Rude, Rosenzweig, Moen, Breske and Moore;

Noes, 0 -- None.

Passage as amended:

Ayes, 5 -- Senators Buettner, Lorman, Rude, Rosenzweig and Breske;

Noes, 2 -- Senators Moen and Moore.

Assembly Bill 795

Relating to governance of the county hospital and related entities in Milwaukee county.

Concurrence:

Ayes, 6 -- Senators Buettner, Lorman, Rude, Rosenzweig, Moen and Breske;

Noes, 1 -- Senator Moore.

Carol A. Buettner
Chair

PETITIONS AND COMMUNICATIONS

Senate Petition 16

A petition by 238 residents of the State of Wisconsin, Responsible Farmers and Consumers, United Against rBGH, in opposition to the use of genetically engineered recombinant bovine growth hormone (rBGH) in the production of milk.

By Senator Zien.

Referred to committee on Transportation, Agriculture, Local and Rural Affairs.

State of Wisconsin

Department of Natural Resources

February 11, 1994

To the Honorable the Legislature:

Section 144.737, Stats., requires that the Department of Natural Resources provide a draft Capacity Assurance plan to the Pollution Prevention Board, the Governor and the chief clerk of each house of the legislature at least 75 days before the final report is due to U.S. EPA, which for this submittal is May 1, 1994. The Department is also required to hold an informational hearing no later than 45 days after providing the draft. We have devoted significant resources to this effort, but due to problems

with incomplete reporting data we will not be able to meet the February 15, 1994 submittal deadline. We anticipate transmitting a draft copy of the Plan to you by April 1, 1994.

You should also be aware that EPA changed the process for submitting Capacity Assurance Plans. Previously, the Plan was a comprehensive document containing both data reporting and policy directives for assuring that adequate hazardous waste management capacity existed. The statutory requirements discussed above were developed to allow for review and oversight of the policy implications of the Plan. The process is now divided into three phases, the first of which only covers data reporting. Since the Phase I submittal will not contain any policy statements, the delay in completing this portion of the Plan should not present any major problems. I also believe it would be prudent to postpone the informational hearing until we have a draft policy document prepared. At this point in the process we are unable to predict when that will occur.

Thank you for your attention in this matter. If you have any questions regarding this letter, please contact Paul Didier, Director of our Solid and Hazardous Waste Management Program at 267-6854.

Sincerely,
George E. Meyer
Secretary

State of Wisconsin
Ethics Board

February 15, 1994

To the Honorable the Senate:

At the direction of s. 13.685(7), Wisconsin Statutes, I am furnishing you with the names of organizations recently registered with the Ethics Board as employing one or more individuals to affect state legislation or administrative rules. For each organization I have noted the general area of legislative or administrative action which the organization has described as the object of its lobbying activity and the name of each licensed lobbyist that the organization has authorized to act on its behalf.

Alliance for Fair Convention Taxation

Subjects: State legislation on rental cars.

Becker, Dismas

Associates Financial Life Insurance

Subjects: Credit life insurance

Hanson, Thomas

Sports Authority, Wisconsin

Subjects: We want to change the state constitution to allow state lottery proceeds to be designated towards the construction of sports facilities in the state of Wisconsin.

Stitt, Donald

Ulichny, Barbara

Surgery Center Assoc., Wisconsin

Subjects: Health care reform, cost containment and capital expenditure review, OHCI data collection.

Hottenroth, Theresa

Whittle Schools, L.P. -

Subjects: Any matter affecting the company in any way by any state agency or the legislature.

Broydrick, Bill

Klauser, David

Also available from the Wisconsin Ethics Board are reports identifying the amount and value of time state agencies have spent to affect legislative action and reports of expenditures for lobbying activities filed by the organizations that employ lobbyists.

Sincerely,
R. Roth Judd
Executive Director

State of Wisconsin
Ethics Board

February 15, 1994

To the Honorable the Senate:

At the direction of s. 13.685(7), Wisconsin Statutes, I am furnishing you with the following changes in the Ethics Board's records of licensed lobbyists and their employers.

Organization's authorization of additional lobbyists: The following organizations previously registered with the Ethics Board as employers of lobbyists have authorized to act on their behalf these additional licensed lobbyists:

Auto Collision Technicians Assoc., Wisconsin

Strohl, Joseph

Cornell University

Hilbert, Lisa

Johnson Controls, Inc.

Cook, Sharon

Mitchell, Brian

Paper Council, Wisconsin

Palmer, Todd

Physicians Service Insurance Corp., Wisconsin (WPS)

Russell, Christine

Printing Industries of Wisconsin

Palmer, Todd

Organization's termination of lobbyists: Each of the following organizations previously registered with the Ethics Board as the employer of a lobbyist has

withdrawn, on the date indicated, its authorization for the lobbyist identified to act on the organization's behalf.

AFSCME District Council 48

Ordinans, Karen 2/9/94

Dental Assoc., Wisconsin

Spellmeyer, Grant 2/11/94

Hospital Assoc., Wisconsin

Borgerding, Eric 2/15/94

Landscape Federation, Wisconsin

Spellmeyer, Grant 2/11/94

Newspaper Assoc., Wisconsin

Spellmeyer, Grant 2/10/94

Printing Industries of Wisconsin

Spellmeyer, Grant 2/11/94

Realtors Assoc., Wisconsin

Fergus, Scott 5/7/93

Senior Housing Preservation Committee

Spellmeyer, Grant 2/14/94

Trustees Assoc., Wisconsin

Spellmeyer, Grant 2/14/94

Organization's cessation of lobbying activity: Each of the following organizations previously registered with the Ethics Board as the employer of a lobbyist indicates a cessation of all lobbying activity effective on the date shown.

Exxon Corp. 2/15/94

Wimmer, James 2/15/94

Organization's modification or amendment of records: The organizations listed below have previously registered with the Ethics Board and now indicate the following modifications to their records:

Coin Laundry Association, Wisconsin (old name), changed its name to: Self-Service Laundry Assoc., Wisconsin (new name)

Also available from the Wisconsin Ethics Board are reports identifying the amount and value of time state agencies have spent to affect legislative action and reports of expenditures for lobbying activities filed by the organizations that employ lobbyists.

Sincerely,

R. Roth Judd

Executive Director

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor

February 8, 1994

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint SUSAN E. SKOCHELAK of Middleton, as a member of the Rural Health Development Board pursuant to the statute governing, to serve for the interim term ending May 1, 1997.

Respectfully,
Tommy Thompson
Governor

Read and referred to committee on Health, Human Services and Aging.

State of Wisconsin
Office of the Governor

February 11, 1994

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint RICHARD A. BRAUN of Kewaunee, as a member of the Banking Review Board pursuant to the statute governing, to serve for the term ending May 1, 1999.

Respectfully,
Tommy Thompson
Governor

Read and referred to committee on Financial Institutions and Cultural Affairs.

State of Wisconsin
Office of the Governor

February 11, 1994

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint ED CICHURSKI of Milwaukee, as a member of the Accounting Examining Board pursuant to the statute governing, to serve for the interim term ending May 1, 1997.

Respectfully,
Tommy Thompson
Governor

Read and referred to committee on Business, Economic Development and Urban Affairs.

State of Wisconsin
Office of the Governor

February 11, 1994

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint L. KEVIN HAMBERGER of Franklin, as a member of the Council

on Domestic Abuse pursuant to the statute governing, to serve for the term ending July 1, 1996.

Respectfully,
Tommy Thompson
Governor

Read and referred to committee on Health, Human Services and Aging.

State of Wisconsin
Office of the Governor

February 11, 1994

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint JOHN E. MILNER of Oconomowoc, as a member of the Credit Union Review Board pursuant to the statute governing, to serve for the term ending May 1, 1999.

Respectfully,
Tommy Thompson
Governor

Read and referred to committee on Financial Institutions and Cultural Affairs.

State of Wisconsin
Office of the Governor

February 11, 1994

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint PETER F. ULLRICH of Milwaukee, as a member of the Deferred compensation Board pursuant to the statute governing, to serve for the term ending July 1, 1998.

Respectfully,
Tommy Thompson
Governor

Read and referred to committee on State Government Operations and Corrections.

SENATE CLEARINGHOUSE ORDERS

Senate Clearinghouse Rule 92-179

Relating to construction towers and other tall structures in the state of Wisconsin.

Submitted by Department of Transportation.

Report received from agency, February 16, 1994.

Referred to committee on Transportation, Agriculture, Local and Rural Affairs, February 17, 1994.

The committee on Transportation, Agriculture, Local and Rural Affairs reports and recommends:

Senate Clearinghouse Rule 93-103

Relating to delegation of veterinary medical acts and standards of practice.

No action taken.

Senate Clearinghouse Rule 93-142

Relating to ambulance inspection.

No action taken.

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Senate Clearinghouse Rule 93-201

Relating to fees for search of motor vehicle records.
No action taken.

Senator Rude, with unanimous consent, asked that
the Senate adjourn until 10:00 A.M. Tuesday, February
22.

10:01 A.M.

Alan J. Lasee
Chair